

REMARKS/ARGUMENTS

The Applicants have carefully considered this application in connection with the Examiner's Action and respectfully request reconsideration of this application in view of the foregoing amendment and the following remarks.

The Applicants originally submitted Claims 1-27 in the application. The Applicants previously canceled Claims 1 through 16 and 24 through 27 and have presently amended Claims 17 and 18 and canceled Claims 21-23. The Applicants have not added any claims. Accordingly, Claims 17 through 20 are currently pending in the application.

I. Formal Matters and Objections

The Examiner has objected to the specification as referencing and discussing FIGURE 1B, which has not been included in the drawings. In response, the Applicants have submitted a Drawing Substitution concurrently with this response that correctly identifies FIGURE 1B, which was inadvertently and previously identified as FIGURE 2A.

II. Rejection of Claims 17-20 and 23 under 35 U.S.C. §103

These claims are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,895,550 to Andreas (Andreas). Andreas does not establish a *prima facie* case of obviousness regarding these claims because Andreas fails to teach or suggest all the claimed elements. Andreas is directed to a polishing apparatus that includes an acoustic energy source positioned relative to transmit acoustic energy into the slurry to break up agglomerated particles in the slurry before it is dispensed onto the pad. There is no teaching or suggestion in Andreas to position the acoustic

energy source in the waste drain that leads to a waste slurry recovery tank. The embodiment that the Examiner notes at Column 7, lines 18-23 does not disclose any details of the recirculating slurry system other than the way in which the acoustic energy source can be controlled to maintain a desired size of the slurry particle.

Andreas, moreover, does not discuss the need to attach the acoustic energy source to a waste drain nor does it recognize the problems occurring at the drain end of the apparatus. The only explicit teaching in Andreas that relates to the location of the acoustic energy source is the teaching that it is positioned in the supply line that leads to the polishing pad, so that it can be used to reduce the particle size of the slurry prior to being dispensed onto the polishing pad. (Col. 4, lines 40-65 and Col. 5, lines 1-19 and 44-67). Andreas emphasizes the importance of the energy source being positioned relative to the dispense line such that it can depart the energy to the dispense line prior to the slurry being dispensed onto the polishing pad. (Col. 5, lines 1-8). Given these teachings, one who is skilled in the art would not be motivated to place the energy source near or with the waste drain, which in any system, would most likely be located a good distance from the dispense line. Thus, it would not be obvious to arrive at the presently claimed inventions without the use of the present application and hindsight. As such, Andreas does not establish a *prima facie* case of obvious with respect to these claims.

In view of the foregoing remarks, the cited references do not support the Examiner's rejection of Claims 17-20 and 23 under 35 U.S.C. §103(a). The Applicants therefore respectfully request the Examiner withdraw the rejection.

III. Rejection of Claims 21 and 22 under 35 U.S.C. §103

This rejection is now rendered moot in view of the cancellation of these claims as set forth above.

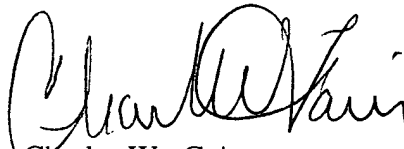
IV. Conclusion

In view of the foregoing amendment and remarks, the Applicants now see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 17 through 20.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application.

Respectfully submitted,

HITT GAINES, P.C.



Charles W. Gaines

Registration No. 36,804

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P.O. Box 832570
Richardson, Texas 75083
(972) 480-8800